

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY PRENTICE,)	
)	
Plaintiff,)	Civil Action No. 11-1605
)	
v.)	
)	District Judge Nora Barry Fischer
CARLA DIMATTEO ,)	
)	
Defendant.)	
)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a motion to proceed *in forma pauperis* (ECF No. 1) on December 19, 2011, and was referred to a united states magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On January 18, 2012, the Magistrate Judge filed a Report and Recommendation (ECF No. 12) recommending that the Complaint be dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff filed Objections to the Report and Recommendation on February 6, 2012 (ECF No. 13). Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 9th day of February, 2012;

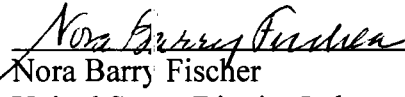
IT IS HEREBY ORDERED that the Complaint is DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) and it would be futile to allow Plaintiff the opportunity to amend.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 12) dated January 18, 2012, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:


Nora Barry Fischer
United States District Judge

cc: Anthony Prentice 74880
Nevada Department of Corrections
P.O. Box 1989
4569 North State Rt.
Ely, NV 89301